

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

July 7, 2020 at 10:30 a.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	19-90813 -B-13	ADAM URANGO AND SYLVIA	MOTION FOR RELIEF FROM
	JHK -1	MARTINEZ URANGO	AUTOMATIC STAY
			6-3-20 [67]
		AMERICAN CREDIT ACCEPTANCE	
		LLC VS.	

Final ruling:

Creditor, American Credit Acceptance, LLC, is scheduled as a Class 4 creditor to be paid outside the plan, and an order confirming the plan has been entered in this case. The plan contains the language "Upon confirmation of the plan, the automatic stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1301(a) are ... modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract" If the debtor has defaulted under the plan, the

July 7, 2020 at 10:30 a.m.

stay has already been modified to allow this creditor to proceed with its rights against its collateral under the terms of the underlying loan and security documentation. Accordingly, the motion will be denied by minute order as unnecessary. No appearance is necessary.

2. [20-90119](#)-B-13 MARK/TAMARAH WAGNER MOTION TO CONFIRM PLAN
[DCJ-1](#) 5-26-20 [[21](#)]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

3. [20-90020](#)-B-13 JOHN DIAZ MOTION FOR RELIEF FROM
[RPZ](#)-1 AUTOMATIC STAY
5-22-20 [[19](#)]

U.S. BANK NATIONAL
ASSOCIATION VS.

Final ruling:

This matter is resolved without oral argument. This is U.S. Bank National Association's motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

4. 19-90421-B-13 NARCISSA THOMAS MOTION TO MODIFY PLAN
GLF-6 5-19-20 [122]

5. [19-90421](#)-B-13 NARCISSA THOMAS MOTION FOR RETROACTIVE APPROVAL
[GLF](#)-7 OF POST-PETITION DEBT
6-23-20 [[130](#)]
6. [19-91123](#)-B-13 JEREMY YOUNG AND MICHELLE MOTION TO CONFIRM PLAN
[DCJ](#)-1 ROSE 5-7-20 [[42](#)]
7. [19-91123](#)-B-13 JEREMY YOUNG AND MICHELLE MOTION TO VALUE COLLATERAL OF
[DCJ](#)-2 ROSE ONEMAIN FINANCIAL GROUP, LLC
6-23-20 [[51](#)]
8. [20-90339](#)-B-13 BRIAN/TERI SMITH MOTION FOR RELIEF FROM
[JDM](#)-1 AUTOMATIC STAY
6-10-20 [[20](#)]
TRAVIS CREDIT UNION VS.

9. [20-90342](#)-B-13 RUBEN ALVAREZ
[PLG](#)-2

MOTION TO AVOID LIEN OF LVNV
FUNDING LLC
6-3-20 [[23](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

10. [19-90846](#)-B-13 DUY/VANNA TRAN
[HWW](#)-6

AMENDED MOTION TO CONFIRM PLAN
5-20-20 [[93](#)]

11. [20-90046](#)-B-13 KYLE RASH
[RK](#)-2

CONTINUED MOTION FOR CONTEMPT
5-5-20 [[40](#)]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

12. [19-90755](#)-B-13 MICHAEL LAVELLE AND
[MMS](#)-7 KIMBERLY ANGEL

OBJECTION TO CLAIM OF GULF
HARBOUR INVESTMENTS
CORPORATION, CLAIM NUMBER 23
5-19-20 [[93](#)]

DEBTOR DISMISSED: 11/20/2019

13. [20-90262](#)-B-13 KATHY HARDISTY
[BRL](#)-2

OBJECTION TO CONFIRMATION OF
PLAN BY LAGUNA GOLD MORTGAGE,
INC.
5-23-20 [[28](#)]

Final ruling:

The hearing on this objection is continued to July 21, 2020 at 1:00 p.m., to be heard by Hon. Christopher D. Jaime. No appearance is necessary on July 7, 2020.

14. [20-90262](#)-B-13 KATHY HARDISTY
[RDG](#)-1

AMENDED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
6-1-20 [[42](#)]

Final ruling:

The hearing on this objection is continued to July 21, 2020 at 1:00 p.m., to be heard by Hon. Christopher D. Jaime. No appearance is necessary on July 7, 2020.

15. [20-90163](#)-B-13 MARCELO AGUILAR
[MJH](#)-1

MOTION TO CONFIRM PLAN
5-22-20 [[26](#)]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

16. [19-90770](#)-B-13 WILLIAM LEMMONS
[DCJ](#)-2

MOTION TO CONFIRM PLAN
5-18-20 [[61](#)]

17. [18-90774](#)-B-13 KRISTINA HOLMES
[BSH](#)-2

MOTION TO SELL
6-23-20 [[39](#)]

Tentative ruling:

Debtor served the motion and related pleadings on June 23, 2020 providing only 14 days notice. FRBP 2002(a) requires a minimum of 21 days notice for a motion to approve sale of property. The motion will be denied without prejudice by minute order. The court will hear the matter.

18. [18-90774](#)-B-13 KRISTINA HOLMES
[BSH](#)-2

MOTION TO INCUR DEBT
6-23-20 [[44](#)]

19. [20-90275](#)-B-13 RAMSIN ESSAPOUR AND
[RDG](#)-1 JESIKA FARHADI

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D GREER
6-11-20 [[17](#)]

20. [18-90193](#)-B-13 WILVER CESTONA
[JHK](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-2-20 [[44](#)]

FORD MOTOR CREDIT COMPANY
LLC VS.

Final ruling:

This matter is resolved without oral argument. This is Ford Motor Credit Company, LLC's motion seeking relief from automatic stay to pursue available insurance proceeds. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is cause for granting limited relief from stay to allow the moving party to proceed with litigation, as is necessary, to collect against available insurance proceeds. Accordingly, the court will grant limited relief from stay to allow the moving party to proceed against the debtor for the limited purpose of pursuing any available insurance proceeds. There will be no further relief afforded. Moving party is to submit an appropriate order. No appearance is necessary.

21. [20-90093](#)-B-13 ADAN DELGADO
[JAD](#)-2

MOTION TO CONFIRM PLAN
5-18-20 [[33](#)]

Final ruling:

This case was dismissed on June 30, 2020. As a result the motion will be denied by minute order as moot. No appearance is necessary.

22. [19-90999](#)-B-13 GUSTAVO JIMENEZ
[JCK](#)-2

AMENDED MOTION TO MODIFY PLAN
5-19-20 [[48](#)]